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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,393	06/04/2001	Louis chevalier	PF 980067	8508
7590 04/09/2007 Joseph S Tripoli Thomson Multimedia Licensing Inc CN 5312 Princeton, NJ 08543-0028			EXAMINER SALTARELLI, DOMINIC D	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/806,393

Applicant(s)

CHEVALLIER ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-15 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman (5,550,576) in view of Mansfield, Jr et al. (5,530,939) [Mansfield].

Regarding claims 8 and 15, Klosterman teaches a process for managing service data in a television system in which the service data are transmitted, comprising a step of acquiring information containing a list of broadcast services and supplementary data relative to these services and of storing the acquired information in a first database of a receiver (col. 2 line 60 – col. 3 line 47).

Klosterman fails to disclose

- copying information stored in the first database to a second database of the receiver for the updating of the said second database, the second database having a same logical structure as

- the first database, wherein the copying stores data in the first database and the second database in an identical manner;
- making the data stored in the said second database available to at least one application of the said receiver; and
- when the acquired list of broadcast services changes, of acquiring the new list of services in the first database, and of copying the acquired list of broadcast services to the second database when the entire list has been acquired in the first database.

In an analogous art, Mansfield discloses a process for managing data in a database comprising:

- copying information stored in a first database to a second database for the updating of the said second database, the second database having a same logical structure as the first database, wherein the copying stores data in the first database and the second database in an identical manner (database “snapshot”, col. 2 line 66 – col. 3 line 9);
- making the data stored in the said second database available to at least one application (query processing of the snapshot, col. 2 line 66 – col. 3 line 9); and
- when the acquired list changes, of acquiring the new list in the first database, and of copying the acquired list to the second database when the entire list has been acquired in the first database

(transaction processing updates the first database, after which a new snapshot is taken for further query processing, col. 2 line 66 – col. 3 line 9).

This provides the benefit of allowing for concurrent processing and accessing of data base information without resource conflict (col. 3, lines 3-6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the process and receiver of Klosterman include copying information stored in a first database to a second database for the updating of the said second database, the second database having a same logical structure as the first database, wherein the copying stores data in the first database and the second database in an identical manner, making the data stored in the said second database available to at least one application, and when the acquired list of broadcast services changes, of acquiring the new list of services in the first database, and of copying the acquired list of broadcast services to the second database when the entire list has been acquired in the first database, as taught by Mansfield, for the benefit of allowing for concurrent processing and accessing of data base information without resource conflict.

Regarding claims 9-13, Klosterman and Mansfield disclose the process of claim 8, but fail to disclose the updating of the second database occurs immediately after acquiring a service datum, after a predetermined time interval after a request for acquisition of a service datum, following a request of an

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application, or wherein the moment of update is dependent of the type of the service datum.

Examiner takes official notice that it is notoriously well known to take the "snapshot" of databases at different times under different circumstances. Taking the snapshot immediately after the database is updated with new information keeps the snapshot as current as is possible, wherein waiting a predetermined time interval after a request for acquisition of a service datum is a safeguard to prevent updating of the snapshot information while the snapshot is being accessed by requesting application. Also, updates for different types of data occur at different rates because some types of data change more often than others, and a data type that changes less often will correspondingly require fewer updates of the snapshot of the data to remain current.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the process of Klosterman and Mansfield to include the updating of the second database occurs immediately after acquiring a service datum, after a predetermined time interval after a request for acquisition of a service datum, following a request of an application, or wherein the moment of update is dependent of the type of the service datum. Each update scheme provides a unique benefit depending upon the needs of the designer, such as providing the most current snapshot, preventing resource conflicts, and system efficiency.

Regarding claim 14, Klosterman and Mansfield disclose the process according to claim 8, the process furthermore comprising the step of when a service changes, acquiring new supplementary information relating to this service (new program guide data, Klosterman, col. 4 line 63 – col. 5 line 12).

Klosterman and Mansfield fail to disclose suspending the updating of the second database with the new supplementary information until a request of an application.

As described above, the examiner takes official notice that it is notoriously well known in the art for the 'snapshot' taken of a database to only be updated after the request of an application, because in the event an application attempts to access the data in the snapshot during the updating of the snapshot process or vice versa, a resource conflict for that memory location would occur, and therefore waiting to update the snapshot until after an application's request would help prevent said resource conflict from taking place.

Therefore it would have been obvious at the time to a person of ordinary skill in the art to modify the process disclosed by Klosterman and Mansfield to include updating of the second database with the new supplementary information until a request of an application, for the benefit of preventing resource conflicts.

Conclusion

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is ^{571 273 8300}~~703-872-9306~~.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER